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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,998	12/15/2003	Oskar Stangier	4070-178U1	2979
7590	03/22/2006		EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD LLP			HUSON, MONICA ANNE	
One Commerce Square			ART UNIT	PAPER NUMBER
Suite 2200			1732	
2005 Market Street				
Philadelphia, PA 19103-7013			DATE MAILED: 03/22/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Colby

Office Action Summary	Application No.	Applicant(s)	
	10/735,998	STANGIER, OSKAR	
	Examiner	Art Unit	
	Monica A. Huson	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 December 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 15 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 09/659,305.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>121503,030705</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohta (U.S. Patent 5,780,129). Regarding Claim 1, Ohta shows that it is known to carry out a process for producing a connecting element for sealing a non-releasable connection to a hollow body of thermoplastic material (Abstract), comprising a step of press shaping a laminate of thermoplastic material, wherein the press shaping step is carried out between two mating platens (Figure 6; Column 10, lines 55-57; Column 11, lines 6-12).

Regarding Claim 2, Ohta shows the process as claimed as discussed in the rejection of Claim 1 above, including a method further comprising forming the laminate by coextrusion of a multilayer preform, and press shaping the preform in a first heating step to a definitive shape of the connecting element (Figure 6; Column 10, lines 55-57; Column 11, lines 6-12).

Regarding Claim 3, Ohta shows the process as claimed as discussed in the rejection of Claim 2 above, including a method wherein the preform is extruded in a form of a tube having oppositely disposed walls which are pressed against each other in the press shaping step (Figures 2, 3, 5, 6).

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Regarding Claim 4, Ohta shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the two mating platens comprise male and female mold portions (Figure 6, elements 5a, 8).

Regarding Claim 5, Ohta shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the hollow body is formed by a blow molding operation, and the press shaping step is performed in the same blow molding operation (Column 10, lines 55-67; Column 11, lines 1-12).

Regarding Claim 6, Ohta shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the connecting element is formed by press shaping a multilayer product or excess extrudate from the blow molding of the hollow body (Figure 6; Column 10, lines 55-57).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta, in view of Thomas (U.S. Patent 4,919,855).

Regarding Claim 7, Ohta shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show specific characteristics of his laminate. Thomas shows that it is known to carry out a method of molding a container wherein the laminate has a low level of

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permeability to hydrocarbons (Column 1, lines 47-49, 60-63; Column 2, lines 3-11). Thomas and Ohta are combinable because they are concerned with a similar technical field, namely, methods of molding fuel tanks. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Thomas' specific permeability teachings for the process of Ohta in order to produce an article that functions within desired parameters.

Regarding Claim 8, Ohta shows the process as claimed as discussed in the rejection of Claim 7 above, but he does not show using a barrier layer. Thomas shows that it is known to carry out a method of molding a container wherein the laminate comprises at least one barrier layer for hydrocarbons (Column 1, lines 47-49, 60-63; Column 2, lines 3-11). It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Thomas' barrier layer in the process of Ohta in order to produce an article that functions within desired parameters.

Regarding Claim 9, Ohta shows the process as claimed as discussed in the rejection of Claim 8 above, but he does not show using a barrier layer. Thomas shows that it is known to carry out a method of molding a container wherein the at least one barrier layer is at least almost completely embedded into the material of the connecting element (Column 2, lines 16-20). It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Thomas' barrier layer location teaching in the process of Ohta in order to produce an article that functions within desired parameters.

Regarding Claim 10, Ohta shows the process as claimed as discussed in the rejection of Claim 8 above, including showing that the connecting element includes a cylindrical portion (Figure 8, element 16), but he does not show using a barrier layer. Thomas shows that it is

known to carry out a method of molding a container wherein the barrier layer extends at least in a region of the polymeric element near and inside wall thereof (Column 2, lines 14-15). It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Thomas' barrier layer location teaching in the process of Ohta in order to produce an article that functions within desired parameters.

Regarding Claim 11, Ohta shows the process as claimed as discussed in the rejection of Claim 8 above, but he does not show using a first and second barrier layer. Thomas shows that it is known to carry out a method of molding a container wherein the laminate comprises at least first and second barrier layers (Column 2, lines 48-49). It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Thomas' barrier layers in the process of Ohta in order to produce an article that functions within desired parameters.

Regarding Claim 12, Ohta shows the process as claimed as discussed in the rejection of Claim 11 above, including showing a connecting body that has a main body substantially comprising polyethylene (Table 3), but he does not show using a barrier layer. Thomas shows that it is known to carry out a method of molding a container wherein the barrier layers are embedded in the main body (Column 2, lines 16-20). It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Thomas' barrier layers' location teaching in the process of Ohta in order to produce an article that functions within desired parameters.

Regarding Claim 14, Ohta shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the hollow body is a fuel tank (Column 14, lines 18-21), meeting applicant's claim.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta and Thomas, further in view of Yoshida et al. (U.S. Patent 5,855,926). Ohta shows the process as claimed as discussed in the rejection of Claim 11 above, but he does not show using a specific material for a barrier layer. Yoshida et al., hereafter "Yoshida," show that it is known to carry out a method for molding a container wherein the barrier layers comprise EVOH (Column 4, lines 55-58). Yoshida and Ohta are combinable because they are concerned with a similar technical field, namely, methods of molding multilayer containers. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Yoshida's specific barrier layer in the process of Ohta in order to produce an article that functions within desired parameters.

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta and Thomas, in view of Benjey et al. (U.S. Patent 5,404,907).

Regarding Claim 15, Ohta shows the process as claimed as discussed in the rejection of Claim 14 above, but he does not show the connecting element in the form of an insert. Benjey et al., hereafter "Benjey," show that it is known to carry out a method for molding a fuel tank assembly wherein the connecting element is in a form of an insert adapted for fitting to the fuel tank in sealed relationship therewith (Figure 1, element 20). Benjey and Ohta are combinable

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because they are concerned with a similar technical field, namely, methods of molding containers. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Benjey's connector insert with Ohta's molding process in order to provide an article whose connector is not required to be molded with the container.

Regarding Claim 16, Ohta shows the process as claimed as discussed in the rejection of Claim 15 above, but he does not show the connecting element in the form of an insert. Benjey shows that it is known to carry out a method for molding a fuel tank assembly wherein the insert is adapted to be connected to the fuel tank by a connection involving joining of the thermoplastic materials of the insert and the fuel tank (Column 4, lines 63-65). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Benjey's joining step during Ohta's molding process in order to insure that the connector and the hollow body will not separate.

Regarding Claim 17, Ohta shows the process as claimed as discussed in the rejection of Claim 15 above, but he does not show the connecting element in the form of an insert. Benjey shows that it is known to carry out a method for molding a fuel tank assembly further comprising a step of welding the insert to the fuel tank (Column 4, lines 63-65). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Benjey's welding step during Ohta's molding process in order to insure that the connector and the hollow body will not separate.

Regarding Claim 18, Ohta shows the process as claimed as discussed in the rejection of Claim 17 above, but he does not show the connecting element in the form of an insert. Benjey shows that it is known to carry out a method for molding a fuel tank assembly further comprising

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a step of hot plate welding the insert to the fuel tank (Column 4, lines 63-65). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Benjey's hot plate welding step during Ohta's molding process in order to insure that the connector and the hollow body will not separate.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A. Huson whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Monica A Huson
March 16, 2006


MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER